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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,667	04/13/2004	Vincenzo Sestito	Q80624	7768
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SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				
EXAMINER				
KANGARLOO, RAMTIN				
ART UNIT		PAPER NUMBER		
2619				
NOTIFICATION DATE		DELIVERY MODE		
03/26/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
kghyndman@sughrue.com
USPatDocketing@sughrue.com

Office Action Summary

Application No.

10/822,667

Applicant(s)

SESTITO ET AL.

Examiner

RAMTIN KANGARLOO

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,9,13,15 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-5,8,10-12,14,16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on December 12, 2007 has been entered. Claim 18, has been canceled. Claims 1 -17 and 19 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, 7 and 15 are rejected under 35 U.S.C. 103(a) as being anticipated over Ellegaard (PCT WO99/00942) in view of Kakuma et al. (U.S. Patent No. 5488606).

Regarding **claim 1**, Ellegaard discloses a method for enhancing a trail/path protection function in a SDH/SONET network, the network comprising a number of working resources and a number of protection resources (See Page 8, Lines 1-2) and transmitting signal frames having a section overhead in SDH technology, or a Line Overhead in SONET technology, and a POH, said protection function comprising linear MSP N:1 trail protection function based on transmission of protection information through K1 and K2 (See Fig.5) bytes of Section Overhead in SDH or Line Overhead in

SONET (See Page 8, Lines 9-16), at Low Order and/or High Order level, so as to allow the handling of more than one protecting resource shared among different working resources, both in end-to-end handling and in intermediate handling (See Page 4, Lines 18- 32 and Page 12 Lines 6-10). Ellegaard does not disclose wherein the method further comprises the step of mapping the content of said K1 and K2 bytes by protocol exchange into POH bytes of the path overhead in SDH or SONET. Kakuma teaches wherein the method further comprises the step of mapping the content of said K1 and K2 bytes by protocol exchange into POH bytes of the path overhead in SDH or SONET (see col. 7, Lines 1-5).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the transmission of protection information taught by Ellegaard onto the protection function shown in Kakuma, in order to control the traffic base on priority so that the systems run more efficient.

Regarding **claim 6**, Ellegaard and Kakuma disclose all the limitation in claim 1. Furthermore, Ellegaard teaches in case of failure of one of the working resources, a check step is performed for checking whether at least one of the protection resources is available, namely in the idle state (See Page 1, Lines 6-20).

Regarding **claim 7**, Ellegaard and Kakuma disclose all the limitation in claim 1. Furthermore, Ellegaard teaches the check step is performed by assigning a number to

each one of the protection resources and scanning, either in increasing or in decreasing order, the protection resources (See Fig. 11 and page 5 lines 25-26).

Regarding **claim 15**, Ellegaard discloses a network element for a SDH or SONET network comprising at least two network elements and wherein an enhanced trail/path protection function is implemented, the network comprising a number of working resources and a number of protection resources (See Page 1, Lines 6-11) and transmitting signal frames having a section overhead in SDH technology, or a Line OverHead in SONET technology, and a POH, said protection function comprising linear MSP N:1 trail protection function based on transmission of protection information through K1 and K2 bytes (See Fig.5) of Section OverHead in SDH or Line OverHead in SONET, at Low Order and/or High Order level, so as to allow the handling of more than one protecting resource shared among different working resources, both in end-to-end handling and in intermediate handling (See Page 4, Lines 18- 32 and Page 12 Lines 6-10). Ellegaard does not disclose wherein it comprises a device for mapping or de-mapping the content of said K1 and K2 bytes by protocol exchange into POH bytes of the path overhead in SDH or SONET. Kakuma teaches wherein it comprises a device for mapping or de-mapping the content of said K1 and K2 bytes by protocol exchange into POH bytes of the path overhead in SDH or SONET (see col.7, Lines 1-5

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the transmission of protection information taught

by Ellegaard onto the protection function shown in Kakuma, in order to control the traffic base on priority so that the systems run more efficient.

4. Claims 9, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellegaard (PCT WO99/00942) in view of Kakuma and further in view of (US Patent Application Publication No.2005/0088963).

Regarding **Claim 9**, Ellegaard disclose the limitations in claim 1 and 6. Ellegaard in view of Kakuma does not specifically disclose in case of negative check, the priority level of Bridge Requests currently served is checked and compared with priority of the new switch criterion Phelps teaches in case of negative check, the priority level of Bridge Requests currently served is checked and compared with priority of the new switch criterion Phelps teaches (see Page. 8, Paragraph [0073]).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the transmission of protection information taught by Ellegaard in view of Kakuma onto the protection function shown in Phelps, in order to control the traffic base on priority so that the systems become more effective.

Regarding **Claim 13**, Ellegaard disclose the limitations in claim 1 and 6. Ellegaard in view of Kakuma does specifically disclose when more Signal Failure/Signal Degrade conditions are present within a protection group and not served, due to the lack of available protection resources, the highest priority condition is served first as soon as one protection resource becomes available. Phelps teaches

when more Signal Failure/Signal Degrade conditions are present within a protection group and not served, due to the lack of available protection resources, the highest priority condition is served first as soon as one protection resource becomes available. (See page. 1, Paragraph [0008]).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the transmission of protection information taught by Ellegaard in view of Kakuma onto the protection function shown in Phelps, in order to control the traffic base on priority so that the systems become more effective.

Regarding **claim 19**, all of the limitations as apply to claim 1 are taught by. In addition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the method taught as a computer program recorded on computer readable media.

Response to Arguments

6. Applicant's arguments with respect to claims 1-17 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

7. Claims 2 -5, 8, 10 -12, 14, 16, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wahl (US patent Application Publication No. 2003/0231656) teaches Method, medium access controller, control module, terminating device and terminating module for allocating transmission capacity of a shared medium in a multipoint-to-point network.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMTIN KANGARLOO whose telephone number is (571)270-3452. The examiner can normally be reached on Mon to Fri 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag Shah can be reached on (571) 272- 3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAMTIN KANGARLOO/
Examiner, Art Unit 2619
March 11, 2008

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2619